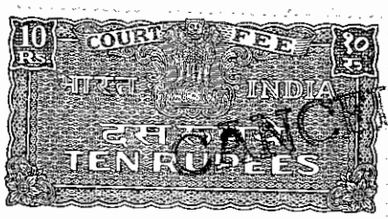

CANCELLED

(3)

CHC

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WP NO. 3428 **/2003**

PETITIONER
PLAINTIFF

Modh. Iqramulla, son of Abdulsattar, aged about 63 years resident of Chhotapara, Raipur, Tah and Distt. Raipur (Chhattisgarh).

VERSUS

RESPONDENTS
DEFENDANTS

1. Nagar Palik Nigam, Raipur.
Through : the Ayukt, Nagar Palik

2. Mutawalli, Jaama Masjid, through : Azimuddin alias Sheikh Mohiuddin, Bairan Bazar, Raipur distt. Raipur (Chhattisgarh).

P. R. No. 3253/03
Presented by Shri Malay Kr. Bhaduri
dated 16.10.03

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA

(27)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.3428/ सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	09.01.2004 Heard Shri Malay Kumar Bhaduri, counsel for the petitioner. This writ petition has been preferred under Article 227 of the Constitution of India, challenging the order dated 11.08.2003 (Annexure P-3) passed by the 6th Civil Judge, Class-I, Raipur, in Civil Suit No.368-A/2002, whereby the learned Civil Judge has rejected the petitioner's application under Order 26 Rule 4 (A) of the C.P.C. for allowing the petitioner to get himself examined on Commission. Learned counsel for the petitioner submits that the petitioner is a patient of arthritis and he will not be able to stand in Court during his examination, that is why the petitioner moved an application under Order 26 Rule 4 (A) of the C.P.C. Learned counsel further submits that the purpose of the petitioner will be served if the petition is disposed of with a direction that as and when the petitioner presents himself in the Court for his examination as a witness, he may be allowed to give his evidence while sitting in a chair. The request made by the learned counsel for the petitioner looking to the condition and medical certificate of the petitioner, in my opinion, is just, fair and reasonable. Therefore, the petition is disposed of with a direction that as and when the petitioner appears for his examination as a witness, the learned Presiding Judge of the trial Court	

(28)

KI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3428/ सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	will take care that the petitioner will be examined while sitting in the chair, looking to his ailment. In view of this order, M.(W.)P.No.3121/2003 and I.A. No.9914/2003 stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	
Soma		